

PATENT



Docket No. 1232-4830

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TC 1700

Applicant : TETSUO KUWABARA
Serial No. : 10/086,074 **Group Art Unit:** 1765
Filed : February 26, 2002 **Examiner:** M. J. SONG
For : CALCIUM FLUORIDE CRYSTAL AND METHOD AND APPARATUS
FOR PRODUCING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

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COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In response to the Official Action dated August 25, 2003 in which the pending claims 1-17 were subject to a Restriction Requirement, Applicant submits the following. A Petition for a One Month Extension of Time is submitted herewith, extending the time for responding until October 27, 2003 (as October 25, 2003 falls on a Saturday).

In the Official Action, restriction under 35 U.S.C., §121 is required to one of the following groups of inventions:

- I. Claims 1 and 12-14, drawn to a product of a halogen containing composite;
- II. Claims 2-8, drawn to a method of growth from liquid or supercritical state;
- III. Claims 9-11, drawn to a non-coating apparatus of a single crystal, oriented crystal, and epitaxy growth processes;

- IV. Claims 12-14, drawn to a product of a multilayer filter or multilayer reflector;
- V. Claim 15, drawn to apparatus illumination systems or details;
- VI. Claim 16, drawn to a method of semiconductor manufacturing; and
- VII. Claim 17, drawn to a product of a short wavelength laser.

Applicant provisionally elects Group I (claims 1 and 12-14) with traverse. According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

For the reasons stated in the Office Action, it is the Examiner's position that the because the identified inventions are distinct and have acquired a separate status in the art as shown by the identified different classifications, restriction for examination purposes as indicated is proper. While Applicant does not necessarily agree with the Examiner's reasoning in asserting that the inventions are distinct, Applicants respectfully submit that there would be no serious burden on the Examiner if restriction is not required. Thus, it is Applicants' belief that the Examiner has not met **both** of the requirements for issuing a proper restriction requirement.

Applicant respectfully submits that: (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together. Applicant respectfully traverses the requirement for restriction on the grounds that searching all of these inventions would not be unduly burdensome

and, in fact, an overlap of searching would be necessary to ensure a complete search for a proper examination on the merits of any one of the identified Groups of Inventions.

Accordingly, Applicant respectfully requests that the Restriction Requirement be withdrawn and all pending claims be examined on the merits.

AUTHORIZATION

No further fees are believed necessary in connection with this response. Should an additional extension of time be required, such extension is petitioned. The Commissioner is authorized to charge any other fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1232-4830. A duplicate copy of this sheet is enclosed.

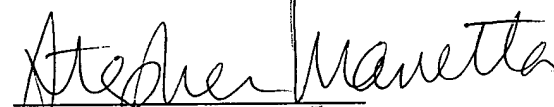
An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 23, 2003

By:


Stephen J. Manetta
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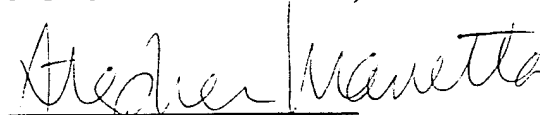
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